

REMARKS

This Amendment is responsive to the Office Action mailed October 12, 2007, which sets a three-month shortened statutory period for response, to end January 14, 2008 (January 12th falling on a Saturday). With this Amendment, Applicants amend claims 1, 4-6, 8, 10, 12, and 14. Applicants also cancel claims 3, 7, 11, and 13 with this Amendment. Claims 1, 2, 4-6, 8-10, 12, and 14 are pending and under consideration.

Reconsideration and withdrawal of the rejections made therein are respectfully requested in view of the following amendments and remarks. Support for the amendment as filed can be found in the specification and claims as filed, e.g., page 7, lines 3-11; page 8, lines 5-9 (see also page 17, lines 7-12; and page 18, lines 13-19, of the substitute specification filed April 12, 2006); original claims 3 and 7; and Figures 4a and 4b.

Information Disclosure Statement

Applicants thank the Examiner for acknowledgement of receipt of the Information Disclosure Statement filed July 12, 2006, and for consideration of all the documents listed therein.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejects claims 1-2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Okazaki et al. (U.S. Patent 6,495,862; hereinafter OKAZAKI) in view of Poicus et al. (U.S. Patent 6,987,613; hereinafter POICUS).

The Office Action also rejects claims 3 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over OKAZAKI in view of POICUS further in view of Babich et al (U.S. Patent Application Publication 2005/0064322 A1; hereinafter BABICH).

The Office Action also rejects claims 8-9 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over OKAZAKI in view of POICUS further in view of Holman et al (U.S. Patent Application Publication 2004/0080938; hereinafter HOLMAN).

The Office Action also rejects claims 4-7, 10-11, and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over OKAZAKI in view of POICUS.

In response, Applicants respectfully submit that the instantly claimed methods are not anticipated or suggested by OKAZAKI either alone or in combination with POICUS, BABICH, and/or HOLMAN. In particular, Applicants note that claim 1 recites a production method for producing a light-emitting device in which a light-emitting layer at least including an n-type semiconductor layer and a p-type semiconductor layer is layered on a transparent crystal substrate, comprising: (1) applying a silicon organic solvent to at least a part of the transparent crystal substrate or the light-emitting layer to form a transfer layer on at least a part of the transparent crystal substrate or the light-emitting layer; (2) softening or setting said transfer layer upon supplying an energy thereto; (3) pressing a mold formed with a minute unevenness structure against the transfer layer to transfer the minute unevenness structure to an outer surface of the transfer layer under a pressure of 5 MPa or higher and 150 MPa or lower; and (4) dry etching the transfer layer with a chlorine gas using the transfer layer as a resist mask to form a minute unevenness structure for preventing multiple reflection in the transparent crystal substrate or the light-emitting layer. The documents listed above, either alone or in combination, do not disclose or suggest such a method, and for at least this reason, do not render the claimed

invention unpatentable. Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103(a).

Specifically with regard to claims 5 and 10, the Office Action asserts that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to adjust a selection ratio of the etching speed of the light-emitting layer to that of the resist from twofold to fourfold, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233” (see Office Action at pages 6-7, paragraph 16). With regard to claims 7 and 11, the Office Action uses similar reasoning in its assertion that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention as made to use a pressing pressure of 5 MPa or higher and 150 MPa or lower” when practicing the invention.

In response, Applicants respectfully point out that “[a] particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation.” *In re Antonie*, 559 F.2d 618, 195 U.S.P.Q. 6 (CCPA 1977), *In re Boesch and Slaney* 205 U.S.P.Q. 6 215, 219 (CCPA 1980). Contrary to the aforementioned standard (i.e., as set forth *In re Antonie*), Applicants submit that the Examiner does not assert and has not provided any factual evidence which reasonably shows that the pressure ranges utilized in the methods of POICUS achieve a recognized result. Applicants further submit that the Examiner does not assert and has not provided any factual evidence which reasonably shows that the adjustment of the ratio of the etching speeds as set forth in OKAZAKI achieves a recognized result.

Applicants submit that POICUS and/or OKAZAKI, either alone or in any properly reasoned combination, do not disclose or suggest at least the claimed combination of elements. Accordingly, the rejection should be withdrawn.

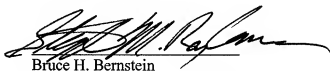
Conclusion

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection of record, and allow all the pending claims.

No fee is believed due at this time. If, however, any fee is necessary to ensure consideration of the submitted materials, the Patent and Trademark Office is hereby authorized to charge the same to Deposit Account No. 19-0089.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,
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